S.B. CIVIL WRIT PETITION NO.5632/2004.
(CHHITTAR DAS VS. STATE & ORS.)

DATE OF ORDER : 26.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. D. R. Gurjar for the petitioner/s.
Mr.Shyam Ladrecha, AGA, for the respondent/s.

The petitioner who is a Teacher Grade III with the respondents, on completion of 9, 18 and 27 years of service selections grades were given to him in accordance with the notification dated 25.01.1992 issued by the Government of Rajasthan. The third selection grade on completion of 27 years of service was given to the petitioner in the pay scale of Rs.2000-3200 that came to be revised under the Rajasthan Civil Service (Revised Pay Rules), 1998 with the corresponding pay scale of Rs.6500-10500/-. An amendment was introduced in the Rajasthan Civil Service (Revised Pay Rules), 1998 under a notification dated 08.06.2001 whereby in Schedule- V to the Rules of 1998 below note 8(i), new notes (ii) and (iii) were inserted as under:

> (ii) The teacher (erstwhile Teacher Grade III) drawing pay in the second selection grade of 6500-10500 and promoted as Senior Teacher prior to 1.7.1989 shall draw pay in the scale of 6500-10500 as senior scale of Senior

Teacher. Those Senior Teachers who have not completed nine years service as senior Teacher on 1.7.98, their pay on 1.7.98 shall be fixed in the pay scale of 5500-9000 and such senior teachers shall be allowed pay in the senior scale of 6500-10500 on completion of ten years service as senior teacher.

(iii) As a result of re-fixation of pay in accordance with the provisions contained in clause (ii) above the recovery of overpayment, if any, shall stand waived for the period from 1.7.1998 to date of issue of this Notification.

The respondents in pursuant to note (ii) withdrew the selection grade to the petitioner in the pay scale of Rs.6500-10500 and ordered to fix his pay in the pay scale of Rs.5500-9000. Being aggrieved by the same, this petition for writ is preferred.

Learned counsel for the petitioner at the threshold states that the controversy involved in this petition for writ is no more res integra in view of the judgment of this Court in the case of Chandra Mohan Singh & ors. vs. State of Rajasthan & ors. reported in 2004(3) WLC (Raj) page 413.

I have examined the record of the case and found that the the controversy involved in this petition for writ is no more res integra in view of the judgment referred above.

Accordingly this petition for writ is allowed in terms of the judgment referred above. In the event, the respondents have effected any recovery from the petitioner in pursuant to the Notification dated 08.06.2001, then the same shall be refunded to them within a period of three six months from today.

(GOVIND MATHUR)J.

Anil/